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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,868	10/30/2003	Koichi Ozaki	TESD.0024	6673
38327	7590	01/11/2008		
REED SMITH LLP 3110 FAIRVIEW PARK DRIVE, SUITE 1400 FALLS CHURCH, VA 22042			EXAMINER FLETCHER, JAMES A	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/695,868	Applicant(s) OZAKI, KOICHI	
	Examiner James A. Fletcher	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

New Art Unit

1. Please include the new Art Unit 2621 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2616, has been assigned to new Art Unit 2621. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Cipher Digital Inc (Time Code Handbook).

Regarding claim 1, Cipher Digital discloses a recording and reproduction apparatus comprising:

- recording means for recording pieces of recording information each for recording program data, and recording additional information related to a program (Page 26, "Time Code exists in the original material as an electronic signal on the audio or cue track");
- search means for searching the pieces of recorded recording information relative to input new recording information (Pages 27-28, "Given the proper

instructions from the Videotape Editor, the computer-controlled 1" or 2" editing system refers to Time Code to perform each operation. The computer synchronizes all the equipment being used, controls multiple previews for edit rehearsal, pre-rolls all videotape and audio machines, rolls the machines in sync, performs the edit with frame accuracy and re-plays the edit for final approval" and Page 25 "Specific shots and takes are located quickly in the mass of raw footage from the field using a list of Time Code Address numbers"); and

- setting means for setting the additional information for the recording information coincident with the new recording information as the additional information for the new recording information (Page 26, "a Character Inserter, usually built into the Time Code Reader, records a visible display of the Time Code over the picture on the videocassette, as shown on this Handbook's front cover. The size and placement of this 'burned-in' Time Code display is selectable and the Time Code numbers are usually surrounded by a dark 'box' to help them stand out from the video picture").

Regarding claim 2, Cipher Digital discloses a recording and reproduction apparatus comprising:

- a recording and reproduction portion which records program data to a recording medium and which reproduces the recorded program data (Page 26, "Time Code exists in the original material as an electronic signal on the audio or cue track" and Page 36 "Time Code is recorded along the length of

the videotape [in the 'longitudinal mode'], therefore the tape must be moving over the playback heads at some minimum speed before there is sufficient level for the Time Code Reader to detect an effort-free signal");

- an input portion which inputs recording information necessary when recording the program data, and which inputs additional information related to a program (Page 35, "the digital Time Code signal, like an audio feed, is recorded on an audio or cue track of the videotape");
- a recording portion which records the recording information and the additional information (Page 35, "the digital Time Code signal, like an audio feed, is recorded on an audio or cue track of the videotape"); and
- a control portion which drives the recording and reproduction portion based on the recording information (Page 31, "To insure that the Time Code is locked to each video frame, the Time Code Generator MUST be synchronized to the video source being recorded"), wherein the control portion comprises:
 - search means for searching the recording information recorded on the recording portion when new recording information is input, to determine whether the new recording information coincides with the recording information recorded on the recording portion (Page 26, "a Character Inserter, usually built into the Time Code Reader, records a visible display of the Time Code over the picture on the videocassette, as shown on this Handbook's front cover. The size and placement of this 'burned-in' Time Code display is

- selectable and the Time Code numbers are usually surrounded by a dark 'box' to help them stand out from the video picture"); and
- setting means for setting the additional information for the coincident recording information as additional information for the new recording information if the recording information coincident with the new recording information is present (Page 31, "Normal procedure is to set the Generator to Time-of-Day Code, although on most Generators, any time can be selected"), and wherein
 - the new recording information and the additional information set for the new recording information are recorded on the recording portion (Page 26, "a Character Inserter, usually built into the Time Code Reader, records a visible display of the Time Code over the picture on the videocassette, as shown on this Handbook's front cover. The size and placement of this 'burned-in' Time Code display is selectable and the Time Code numbers are usually surrounded by a dark 'box' to help them stand out from the video picture").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
7 January 2008



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600